

Feb. Mar. 1, 2007

TO: Judge Thyng

RE: Teleconference of Feb. 28, 2007 at 9:30 a.m. 1

Dear Judge Thyng:

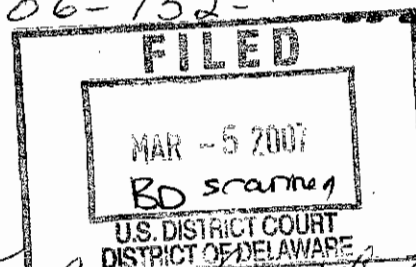
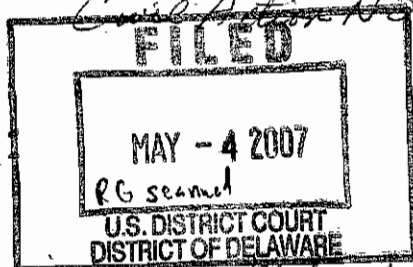
Pursuant to our above teleconference and in <sup>further</sup> support of my request for Dismissal without Prejudice in my Civil Actions Nos. 05-536 \*\*\*

05-600 \*\*\*

Consolidated

and Civil Action No. 06-151-\*\*\*

Civil Action No. 06-152-\*\*\*



I state the following

1. Judge Jordan denied my Motions To assign Counsel to me therefore effectively denying my access to the courts in my several pending civil actions...
2. that Delaware Department of Corrections has wrongfully classified me to my present Maximum Security housing status since August 11, 2005 without the required — due process guarantees and rights that are supposed to be available to inmates to be notified, in writing, of ~~the~~ charges brought against me... for my accusers and I to confront ourselves at a formal hearing... and my right to appeal the Delaware Department of Correction's decisions to place me in my present status beginning on August 11, 2005...
3. that on May 23, 2005 Sussex Correctional Institution in Georgetown, Del. transferred me and transported me to Delaware Correctional Center, where I am housed at present, approximately 2 days after I sent a certified

(Con't) →

- 2 registered request letter to Delaware State Police Troop 4, approximately 3/4 of a mile from SCI, that I wanted to file attempted murder of me charges against SCI (Sussex Correctional Institution) correctional officers...
4. that the beating and attempted murder of me by SCI's correctional officers stated in #3 above, was 1 of 3 attempts on my life by the C/O's I have named in my pending Delaware district court civil action NO. 05-0536 and 05-600 Consolidated... that took place in November of 2004 through May of 2005, i.e., after the 3rd attempt to kill me by SCI C/O's and approximately 4 days after I sent my letter to Troop 4 is when I was transported to DCC (Delaware Correctional - Center) while still in pre-trial status...
5. that on July 29, 2005, when I was sentenced in Georgetown, Del. Superior Court, to 13 years at Level 5 incarceration suspended upon successful completion of a Level 5 Greentree Program, the balance of my sentence to be served on probation, I was transported back to DCC and on Aug. 11, 2005, approximately 12 days later, I was wrongfully classified to my present status...
6. this status consists of placing me in a single cell for 47 hours straight with 1 hour outside my cell...
7. that I have attempted filed several civil actions in Delaware District Court in attempts to bring the numerous SCI correctional officers in front of

(Con't) →



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- a federal judge and/or a jury... I have also filed civil actions in Delaware District Court (06-177, 06-646-KAJ) to bring various Sussex County Superior Court judges, prosecutors and my court appointed attorney in front of a federal judge and/or a federal jury (06-177-KAJ) only to have my attempts dismissed and denied...
8. That I recently had 06-646-KAJ dismissed because the Business Office of DCC purposely withheld my in-forma pauperis application (I attempted to show Judge Jordan I have no control concerning the workings of DCC's Support Services / Business office)... 06-646 was my ~~an~~ attempt to bring to light how and why the Del. DOC is being permitted to squirrel me away in a single cell, deprive me of timely access to its law library and which translates into denial of my right to access of our court system for redress of my Constitutional rights and guarantees...
9. that, according to the News Journal's articles relating to the much publicity generated by the U.S. Dept of Justice's investigation in re CRIPA, (my lawsuits involving my personal series of letters to the U.S. Justice Dept's Civil Rights Division concerning my failed attempts to gain access to my personal DOC prison records used to place me in my present status), my correspondence with DE ACLU (Julia M. Graff) who is showing me the same attention and refusal of assistance to
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- 4 me as the DE DOC (Taylor and now Danberg) showed to her, and Michael T. Kirkpatrick of Public Citizen....
10. that after Jordan refused my request for a TRO (Temporary Restraining Order) and preliminary injunction for the prison medical care provider (Correctional Medical Services, Inc.) CMS to provide proper medical care to me (I am a 58 year old Vietnam in-country veteran that and I am a petit-mal epileptic with — Herpes virus and Hepatitis A, B, and C viruses, severe high blood pressure, anemia, severe back problems, etc.) that since Jordan's denial of my TRO and the U.S. Justice Department's Civil Rights Division's failed investigation of prison health care, I am now being denied vital medications by CMS, & I am not, now, receiving the medications I was receiving (because now that my attempt at filing a civil actions has failed, CMS is free to conduct business as usual (note the publicized 2 prison deaths since the signing of the 87 point agreement between U.S. DOJ, DE DOC, and CMS)...
11. that in support of my above allegations in re DCC's refusal to allow me to review my prison file, I have just come across a 12/21/2006 response from a Counselor Aiello to me Charles Cardone (18) B L 12: "AT this time you are unable to review this file. We are not allowed to make copies from your institution file where your classification is located. Your (my) classification will remain max security"... I did not request copies, I requested (Con't) →



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— a meeting to review my files and to see the charges that put me in my present status since Aug. 11, 05...

12. that in December of 2006, 2 months ago, I wrote a letter to my Sentencing judge, T. Henley Graves of Georgetown, Del. Superior Court and told him the DOC, DCC ~~is~~ has abrogated his sentencing orders by not allowing me to placement in his court ordered alcohol treatment program which would then allow me to be released on Level III (3) probation. He sent me a copy of the letter he sent to DCC Warden Thomas Carroll requesting an explanation as to why I was not in his (Judge Graves) court ordered Greentree Program... Warden Carroll responded to Graves' letter by saying I was in a mandatory 2 year Max setting for a Staff assault on May 31, 05... Graves was content with Carroll's explanation... I then requested an Evidentiary Hearing on Carroll's unsupported allegations in re my Max Classification and was denied my hearing by another Sussex County Superior Court Judge Scott Bradely...

13. Whereas, Judge Thyng, on Feb. 28, 07 at our teleconference, you granted my dismissal without prejudice with leave to refile (if I remember correctly) by Sept. 07, is that correct? May I ask you

(Con't) →

6 at this time... my re-filing by that date will be contingent on my return to "general population" so I may have physical access to this prison's law library not just "in cell access" as I have now? My expectations to return to general population — status are just that... expectations. Should I not be returned to general population (which should guarantee me physical access to the law library) will you then grant me an extension and/or a continuance on your granting me leave to re-file? During our teleconference, was statute of limitations phrase mentioned? If so, please advise.

In conclusion, I have attempted to paint a not to colorful picture of my past and present predicament along with numerous allegations on my part, and, as a Judge and previously a lawyer <sup>you</sup> will agree that what began, on my part, as a few statements ~~or~~ in support of, or to explain the ~~reso~~ reasons for my request for Dismissal without Prejudice w/ leave to re file, that these few statements turned into a venting on my part and I apologize for that... it is evident from Judge Graves' sentencing hearing (I have the transcripts) that he wanted me to do a level 5 rehab program and do the remainder of my time on probation, but, looking back at the mistakes I made in going against City Hall, I am paying the price...

Very truly yours,  
Charles F Cardone, SBI #098159-DCC  
Bldg. 18 BL12 Smyrna, DE 19977

## Certificate of Service

I, Charles F. Cardone, hereby certify under penalty of perjury that a true and correct copy of my letter to Judge Thyng in re our teleconference of February 28, 2007, at 9:30 a.m. has been provided to the below-listed parties, by handing said letter directly to a Delaware Correctional Center correctional officer through the "Hatch" of my single cell this 25th day of April to:

— Daniel A. Griffith, Marshall, Dennehey, Warner, Coleman + G0, 1220 N. Market St., Suite 500, P.O. Box 8888  
Wilmington, DE 19899

— Dana Spring Mingo, McCullough + McKenty, P.A.,  
1225 N. King St., Suite 1100, P.O. Box 397, Wilmington,  
DE 19899-0397

— Stacey Xarchoulakos  
Dept. of Justice  
820 N. French St., 8th FLR  
Wilmington, DE 19801

— Amy Arnott Quinlan  
Morris James LLP  
500 Delaware Ave, Suite 1500  
P.O. Box 2306  
Wilmington, DE 19899-2306

By: Charles F. Cardone  
SBI # 098159-DCL-Unit 18 BL12  
1181 Paddock Road, Smyrna, DE 19977

dated: April 25, 2007

— RE: Civil Actions: 05-536<sup>\*\*\*</sup>, 06-151<sup>\*\*\*</sup>, 06-152<sup>\*\*\*</sup>



IM Charles F. Cardone  
SBI# 098159 UNIT 18 BL12  
DELAWARE CORRECTIONAL CENTER  
1181 PADDOCK ROAD  
SMYRNA, DELAWARE 19977

Legal Mail - Pay to  
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Clerk

U.S. District Ct. Lockbox 18  
844 King St., US Court House  
Wilmington  
DE  
19801

\* Attm.  
Judge Thymge

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